

REMARKS

Initially, Applicant would like to thank Examiner Saether for granting an interview and for his time spent during the interview.

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

Claims 21-48 are pending in the application.

Claims 21-48 are rejected under the judicially created doctrine of double patenting over claims 1-28 of U.S. Patent No. 6,712,570.

A terminal disclaimer is filed herewith to obviate the double patenting rejection.

Claims 41-43 were rejected as being anticipated by KIBBLEWHITE 5,131,276. That rejection is respectfully traversed.

Claim 41 is amended and recites that the bolt is formed as a unitary piece having a proximal head end and a distal insertion end. The proximal head end and the distal insertion end are each provided with a single, exposed radial measurement plane.

As agreed at the interview, KIBBLEWHITE does not disclose a unitary bolt having an exposed end. Specifically, Figure 8 of KIBBLEWHITE (noted in the Official Action) in conjunction with column 11, lines 57-58, disclose that a transducer 85 is formed on the end surface 87 of fastener 84.

KIBBLEWHITE at column 8, lines 5-7, and column 8, lines 29-31, teach growing a piezoelectric film for transducers and permanently mechanically and electrically connecting electrodes to the bolt fastener of KIBBLEWHITE.

A bolt having a permanently connected element at an end thereof does not meet the recited limitation of a unitary bolt having an exposed end.

Claims 42 and 43 depend from claim 41 and further define the invention and are also believed patentable over KIBBLEWHITE.

Claims 21-25, 27-35, and 37-48 are rejected as unpatentable over DAF standard prod 9257 in view of KIBBLEWHITE. This rejection is respectfully traversed.

Each of independent claims 21, 31 and 41 recite that the proximal head end has a single, exposed radial measurement plane. These claims also recite that the proximal head end has an outermost proximal end plane. The measurement plane at the proximal head end is located on and formed by the outermost proximal end plane. Accordingly, the head end has a single planar surface.

As agreed at the interview, the head end of DAF is recessed and does not have a single measuring plane at the head end.

KIBBLEWHITE in the embodiment of Figure 8 appears to teach a planar head end. However, in this embodiment, the

transducer is formed on the insertion end of the bolt. There is neither motivation to combine these references based on the opposite placements of the transducers nor to remove the transducer of KIBBLEWHITE to meet the recited freely exposed insertion end.

Moreover, even if there were such motivation, the transducer would then be permanently formed on the head end and the proposed combination of references would not meet the recited limitation of a unitary bolt having exposed ends.

As further pointed out at the interview, DAF teaches away from using a flat surface because a recessed surface decreases the size of the end plane, which in turn increases the lifespan of the bolt press. One of ordinary skill would want to have an increased bolt press lifespan and thus would not be motivated to make modifications to the recessed surface to reduce the lifespan of the bolt press.

In view of the foregoing, the proposed combination of references would not render obvious claims 21, 31 and 41.

Claims 22-25, 27-30, 32-35, 37-40 and 42-48 depend from one of claims 21, 31 or 41 and further define the invention and are also believed patentable over the cited prior art.

Claims 26 and 36 are rejected as unpatentable over DAF standard in view of KIBBLEWHITE and further in view of BROWN 2,778,265. This rejection is respectfully traversed.

BROWN is only cited for the teaching of a third circumferential surface at an angle of 35° contiguously provided with a thread. BROWN does not teach or suggest what is recited in claims 21 and 31.

As set forth above, neither DAF nor KIBBLEWHITE teach or suggest what is recited in claims 21 and 31. Since claims 26 and 36 depend from claims 21 and 31, respectively and further define the invention, the proposed combination of references would not render obvious claims 26 and 36.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Please charge the requisite fee of \$130 for the terminal disclaimer to Deposit Account No. 25-0120.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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LM/mjr

APPENDIX:

The Appendix includes the following item(s):

- a terminal disclaimer